

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD KING
(CDCR # J-74101),

Petitioner,

v.

SCOTT FRAUENHEIM, Warden,

Respondent.

No. C 14-5267 SI (pr)

**ORDER DENYING MOTION FOR
LEAVE TO FILE FIRST AMENDED
PETITION**

After this matter was fully briefed, a motion for leave to file a first amended petition was filed on petitioner's behalf by his mother, Lillian King, purporting to sign as attorney-in-fact for petitioner. A non-attorney may not sign documents on behalf of a petitioner. "Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented." Fed. R. Civ. P. 11(a). Due to the liberty interest at stake in a habeas petition, and the procedural rules that generally give a petitioner only one chance at federal habeas relief, it is particularly important that the petitioner sign all his filings. According, the motion for leave to file a first amended petition and for a stay is DENIED. (Docket # 22.) If petitioner wants to file any motion, he needs to sign it himself.

1 Respondent's second motion for an extension of time to file an answer is GRANTED.
2 (Docket # 17.) The answer filed on June 26, 2015 and the traverse filed on July 30, 2015 are
3 deemed to have been timely filed.

4 IT IS SO ORDERED.

5 DATED: September 28, 2015



SUSAN ILLSTON
United States District Judge